

§ 301.98-2

7 CFR Ch. III (1-1-04 Edition)

Departmental permit. A document issued by the Administrator in which he or she affirms that interstate movement of the regulated article identified on the document is for scientific or experimental purposes and that the regulated article is eligible for interstate movement in accordance with § 301.98-4(c) of this subpart.

Dripline. The line around the canopy of a plant.

Infestation. The presence of the West Indian fruit fly or the existence of circumstances that makes it reasonable to believe that the West Indian fruit fly is present.

Inspector. Any employee of the APHIS, U.S. Department of Agriculture, or other person authorized by the Administrator to perform the duties required under this subpart.

Interstate. From any State into or through any other State.

Limited permit. A document in which an inspector or person operating under a compliance agreement affirms that the regulated article identified on the document is eligible for interstate movement in accordance with § 301.98-5(b) of this subpart only to a specified destination and only in accordance with specified conditions.

Moved (move, movement). Shipped, offered for shipment, received for transportation, transported, carried, or allowed to be moved, shipped, transported, or carried.

Person. Any association, company, corporation, firm, individual, joint stock company, partnership, society, or other entity.

Plant Protection and Quarantine. Plant Protection and Quarantine, Animal and Plant Health Inspection Service, United States Department of Agriculture.

Quarantined area. Any State, or any portion of a State, listed in § 301.98-3(c) of this subpart or otherwise designated as a quarantined area in accordance with § 301.98-3(b) of this subpart.

Regulated article. Any article listed in § 301.98-2 or otherwise designated as a regulated article in accordance with § 301.98-2(d).

State. The District of Columbia, Puerto Rico, the Northern Mariana Islands, or any State, territory, or possession of the United States.

West Indian fruit fly. The insect known as the West Indian fruit fly, *Anastrepha obliqua* (Macquart), in any stage of development.

[66 FR 6433, Jan. 22, 2001; 66 FR 20186, Apr. 20, 2001]

§ 301.98-2 Regulated articles.

The following are regulated articles:

(a) West Indian fruit flies.²

(b)(1) The following fruits and vegetables:

Barbados cherry (*Malpighia glabra*)

Carambola (*Averrhoa carambola*)

Grapefruit (*Citrus paradisi*)

Granadilla, giant (*Passiflora quadrangularis*)

Guava (*Psidium guajava*)

Guava, strawberry (*Psidium littorale*)

Hog-plum (*Spondias mombin*)

Japanese plum (*Prunus salicina*)

Jew plum (*Spondias cytherea*)

Ketembilla (*Dovyalis hebecarpa*)

Lime, sweet (*Citrus aurantifolia*)

Loquat (*Eriobotrya japonica*)

Malay-apple (*Syzygium malaccense*)

Mango (*Mangifera indica*)

Orange, sour (*Citrus aurantium*)

Orange, sweet (*Citrus sinensis*)

Passion fruit (*Passiflora edulis*)

Peach (*Prunus persica*)

Pear (*Pyrus communis*)

Ramón (*Brosimum alicastrum*)

Red mombin (*Spondias purpurea*)

Rose-apple (*Syzygium jambos*)

Sapodilla (*Manilkara zapota*)

Sapote (*Diospyros* spp.)

(2) Any fruits or vegetables that are canned or dried or frozen below -17.8 °C. (0 °F.) are not regulated articles.

(c) Soil within the dripline of plants that are producing or have produced the fruits or vegetables listed in paragraph (b) of this section.

(d) Any other product, article, or means of conveyance not listed in paragraphs (a) through (c) of this section that an inspector determines presents a risk of spreading the West Indian fruit fly, when the inspector notifies the person in possession of the product, article, or means of conveyance that it is subject to the restrictions of this subpart.

²Permit and other requirements for the interstate movement of West Indian fruit flies are contained in part 330 of this chapter.